



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

New York Office
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March 4, 2014

Viking Yacht Corporation
5724 U.S. 9 on the Bass River
New Gretna, NJ 08224

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-14-00014132
Document Number: W201432380010

On February 4, 2014, New York Office received a complaint of Interference from AT&T on their cellular site located at 5738 U.S. 9 on the Bass River, New Gretna, NJ 08224 on their frequencies 824-849 MHz. On February 12, 2014, agents from the New York Office conducted an investigation and found that Viking Yacht Corporation (Viking) was operating a bi-directional amplifier (BDA) CAE600-850/PCS-4 made and installed by CellAntenna,¹ which operates in the 800 MHz cellular band, at 5738 U.S. 9 on the Bass River, New Gretna, NJ 08224. During the inspection, Viking admitted to operating the BDA from this location to improve in-building reception for their about 100 employees subscribed to Verizon Wireless.

Verizon Wireless and AT&T have licenses to provide cellular communications in the 824-894 MHz band in your area. While Verizon Wireless and AT&T have authority under their licenses to install BDAs, a licensee's authority to install a BDA does not permit a subscriber to install a BDA, unless that subscriber has received explicit authorization from the licensee to do so.² In response to questioning by the FCC agent, Viking admitted that CellAntenna sold and installed the BDA. An FCC agent spoke with one of the Viking's Manager and he admitted that he did not obtain authorization from Verizon Wireless to install the BDA.³

¹ Section 22.99 of the Commission's rules defines "signal booster" as a "stationary device that automatically reradiates signals from base transmitters without channel translation, for the purpose of improving the reliability of existing service by increasing the signal strength in dead spots." 47 C.F.R. § 22.99.

² Section 22.383 of the Commission's rules, which applies to cellular licensees, provides that "[l]icensees may install in-building radiation systems without applying for authorization or notifying the FCC, provided that the locations of the in-building radiation systems are within the protected service area of the licensee's authorized transmitter(s) on the same channel or channel block." 47 C.F.R. § 22.383. Subscribers to cellular communications services similarly are not permitted to operate BDAs without authorization from the cellular communications licensee. *See* 47 C.F.R. § 24.11.

³ We note that, because the CAE600-850/PCS-4 BDA operates on the 800 MHz cellular band, Viking would be required to obtain authorization from all public mobile service operating on the 800 MHz band licensees serving New Gretna, New Jersey in order to operate this BDA.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,⁴ and may subject the responsible parties to substantial monetary forfeitures, in rem arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁵ Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNLICENSED OPERATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC or have obtained consent from a licensed Common Carrier. To resolve the issues with respect to your authority to operate this device, and pursuant to Section 403 of the Communications Act of 1934, as amended,⁶ provide an explanation as to what has been done to discontinue any unlicensed operation, and provide any agreements made with any public mobile service licensees to operate the system and include any relevant documents. You must also identify the make, model and serial number of each piece of equipment including the antennas if applicable.

Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Stephen Maguire
District Director
New York District Office
Northeast Region
Enforcement Bureau

Attachments:

Excerpts from the Communications Act of 1934, As Amended

⁴ 47 U.S.C. § 301.

⁵ See 47 U.S.C. §§ 401, 501, 503, 510.

⁶ 47 U.S.C. § 403.